

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In Re:

TIMOTHY JOHN PAVLAKOVICH
BIANA BERENDA PAVLAKOVICH

CASE NO. 3:12-BK-05918-JAF
CHAPTER 13

Debtor(s)

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**AGREED ORDER GRANTING MOTION TO DETERMINE SECURED STATUS OF
CLAIM #9 JP MORGAN CHASE C/O LCS FINANCIAL SERVICES AND TO STRIP
LIEN EFFECTIVE UPON DISCHARGE**

THIS CAUSE came on for consideration of the Debtors' Motion to Determine Secured Status of Claim #9 JP Morgan Chase c/o LCS Financial Services and to Strip Lien Effective Upon Discharge (the "Motion") (Document No.25) pursuant to negative notice provisions of Local Rule 2002-4. The Real Property that is subject of the Motion is located at **2334 CANAL RD, JACKSONVILLE, FL 32234** and is more particularly described as follows:

A PART OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 23 EAST, NASSAU COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 121; THENCE NORTH 00 DEGREES, 44 MINUTES, 13 SECONDS WEST A DISTANCE OF 629.70 FEET; THENCE NORTH 89 DEGREES, 58 MINUTES, 13 SECONDS WEST A DISTANCE OF 1627.70 FEET; THENCE SOUTH 00 DEGREES, 44 MINUTES, 13 SECONDS EAST A DISTANCE OF 439.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00 DEGREES, 44 MINUTES, 13 SECONDS EAST A DISTANCE OF 139.00 FEET; THENCE SOUTH 89 DEGREES, 58 MINUTES, 13 SECONDS EAST A DISTANCE OF 470.00 FEET; THENCE NORTH 00 DEGREES, 44 MINUTES, 13 SECONDS WEST A DISTANCE OF 139.00 FEET; THENCE NORTH 89 DEGREES, 58 MINUTES, 13 SECONDS WEST A DISTANCE OF 470.00 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE WESTERLY 30.00 FEET OF THE AFORESAID PROPERTY DESCRIBED DEEDED TO NASSAU COUNTY IN OFFICIAL RECORDS BOOK 128, PAGE 208. PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

The Court, considering the Motion and the absence of any record objection to the relief requested in the Motion by any party in interest, deems the Motion to be uncontested.

Accordingly, it is

ORDERED:

1. The Motion is GRANTED.
2. Claim No. 9-1 filed by JPMORGAN CHASE BANK C/O LCS FINANCIAL SERVICES shall be treated as an unsecured claim in this Chapter 13 case.
3. The Second Mortgage on the Real Property held by JPMORGAN CHASE BANK C/O LCS FINANCIAL SERVICES, recorded on January 3, 2007 at O.R. Book 1469 Page Numbers 722 Instrument number 200700227 of the official records of Nassau County, Florida, shall be deemed void, and shall be extinguished automatically, without further court order, upon entry of the debtor's discharge in this Chapter 13 case, provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of JPMORGAN CHASE BANK C/O LCS FINANCIAL SERVICES's mortgage lien prior to the entry of the Debtor's discharge.
4. This Order does not prohibit JPMORGAN CHASE BANK C/O LCS FINANCIAL SERVICES from asserting, at any time prior to the lien being avoided based on this Order and upon entry of the Debtor's discharge, any rights it may have as a defendant in any foreclosure proceeding brought by a senior mortgagee, including the right to claim excess proceeds from any foreclosure sale.
5. If the above-captioned case is dismissed or converted to Chapter 7, or if the Debtors do not successfully complete their Chapter 13 Plan and not receive a Discharge of Debtors notice from the Court, JPMORGAN CHASE BANK C/O LCS FINANCIAL SERVICES shall be restored to its pre-petition secured status.

6. Should the Debtor's fail to complete their chapter 13 Plan and receive a discharge under §1328 (a), then the lien shall remain.

/s/ Allison D. Thompson

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JPMORGAN CHASE BANK C/O
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/s/ Christopher R DeMetros

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Attorney for Debtor
Timothy and Biana Pavlakovich

DATED: this 10 day of May, 2013 in Jacksonville, Florida.

Jerry A. Funk

Jerry A. Funk
United States Bankruptcy Judge

Submitted By:

Allison D. Thompson is the attorney directed to serve a copy of this order on interested parties and file a proof of service within 3 days of the entry of the order.

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
FILE NO. 54 NO. 7720